

# Disposition of the Independent Review Panel



Complainant: Ray Barcelo

RP Cases: A2004.255 & A2005.125

Date: March 23, 2006

MDPD Case: IA 2004-0048

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The Independent Review Panel met on March 23, 2006 for the purpose of publicly reviewing the complaint made by Ray Barcelo against the Miami-Dade Police Department (MDPD) and the Animal Services Unit and the departments' responses to that complaint. Animal Services was part of MDPD when the incident occurred on February 18, 2004. It became an independent department on October 1, 2005. The following represents the findings of the Panel:

## **A. Recommendations**

1. That MDPD and ASD meet in order to determine who has jurisdiction over the investigation so that those employees involved can be held accountable.
2. That Animal Services implement a policy of checks and balances to ensure compliance with the County Code and to ensure that every effort is made to contact owners before their impounded pets are destroyed.
3. That MDPD and ASD investigate AS Officer Nekoraneć for malfeasance or misfeasance in the performance of his duties.

## **B. Incident**

Mr. Barcelo's two dogs were picked up by Animal Control Officer Robert Nekoraneć and two citations for "intact dog running at large," were left on his property. When Mr. Barcelo went to the shelter the next day, Animal Services staff could not locate the dogs. A sergeant told Mr. Barcelo the vet informed him that the dogs had been euthanized that morning. When Mr. Barcelo returned home he found that four puppies were missing from his garage. Mr. Barcelo returned to Animal Services and the puppies were located in a restricted area not open to the public. The puppies were tagged "Fair," meaning an animal adoption fair scheduled for the following day. Mr. Barcelo believes that what happened with his dogs was the result of instructions given by Commander Frank Vecin, whose bureau oversaw Animals Services at the time of the incident. Commander Vecin and Mr. Barcelo are neighbors.

## **C. Allegations**

1. Mr. Barcelo alleged that Senior Bureau Commander Frank Vecin used his position to direct personnel within the Animal Services Unit to pick up his dogs and have them euthanized. In addition, Mr. Barcelo alleges his four puppies were picked up to be placed for adoption at the direction of Commander Vecin.

2. An Independent Review Panel Committee alleged that the Animal Services Unit did not comply with the County Code:
  - a. When it picked up Mr. Barcelo's dogs and destroyed them within 24 hours, and
  - b. When it picked up the puppies and tagged them for an adoption fair within 24 hours.

#### **D. Disposition of the Independent Review Panel**

##### **Allegation 1: Not Sustained**

The Panel did not find evidence to sustain, or refute, the allegation that Commander Frank Vecin used his position to direct personnel within the Animal Services Unit to pick up Raymond Barcelo's dogs and have them euthanized.

##### **Allegation 2: Sustained**

The Animal Services Unit, while under the jurisdiction of the Miami-Dade Police Department, failed to comply with Section 5-11 of the Miami-Dade County Code when it euthanized Raymond Barcelo's two dogs on February 19, 2004.

The code requires a period of confinement of five (5) days before a dog can be disposed of, unless three conditions are met:

- a. The animal does not bear a Miami-Dade County license tag or other evidence of its owner's identity.
- b. The animal is certified in writing by a Florida licensed veterinarian to be suffering dangerous and transmissible disease, or the animal is suffering and beyond reasonable hope of recovery.
- c. The destruction of the animal is recommended in writing by the Chief of the Animal Services Division or the shelter manager.

These conditions were not met and Mr. Barcelo's dogs were destroyed within 24 hours of being picked up by Animal Services Officer Robert Nekoranec.

#### **E. Other Findings:**

1. MDPD refused to investigate the allegation that Animal Services failed to comply with the County Code while the Animal Services Unit was operating under the command MDPD.
2. The Animal Services Department refused to investigate the allegation that Animal Services failed to comply with the County Code while the Animal Services Unit was operating under the command MDPD.

3. Animal Services Officer Nekoranec identified the condition of Mr. Barcelo's brown female Labrador Retriever as "normal" in the database. In his statement to MDPD Internal Affairs Investigator John Ryan, Mr. Nekoranec stated:

*[I]vividly remember these dogs because they had very severe skin conditions...the dogs were missing over 70% of their hair.*

#### **F. Observations to Promote Healthy Police/Citizen Interactions**

MDPD's refusal to investigate allegations of wrongdoing by Animal Services employees, while the Animal Services Unit was under MDPD jurisdiction, and the Animal Services Department's refusal to investigate the same allegations negatively impacts public trust, leaving the citizen with no adequate remedy to investigate a complaint.

Animals Services identifies a roaming dog without a tag as a "stray," even though the dog may be a loved and well-cared for pet. The dog wearing a tag can be identified and returned to its owner. County Code requires all dogs to wear visible current tags. It is in the best interest of the dog and the owner for the dog to wear a tag.

The Independent Review Panel concluded the complaint on March 23, 2006..

# Independent Review Panel

## Committee Recommendation to the Panel

March 23, 2006

**Complaint:** A2004.255 & A2005.125

**MDPD Case:** IA 2004-0048

**Complainant:** Mr. Raymond Barcelo

**Accused Party:** Miami-Dade Police Department (MDPD); Animal Services Unit (ASU)\*;  
Senior Bureau Commander Frank Vecin

**Date Complaint Received:** October 12, 2004

**Materials Reviewed:** Correspondence, ASD records, IA Case 2004-0048, staff notes and committee notes

**Committee:** Ms. Julie C. Ferguson, Esq.; Dr. Eduardo Diaz, Executive Director; Carol Boersma, Executive Assistant to the Director

**Meeting Date:** July 7, 2005

**Present:** From MDPD Professional Compliance Bureau: Lt. Ariel Artime and Sgt. Jennifer Lombardi; Ray Barcelo, Complainant and Ralph Dilzer, Neighbor

**Complaint:** Mr. Barcelo's two dogs were picked up by Animal Control Officer Robert Nekoranec. Two citations, identifying Mr. Barcelo as the violator for "intact dog running at large," dated 2/18/04 at 2:10 PM, were left on Mr. Barcelo's property. The following morning at 9:30 AM, Mr. Barcelo telephoned Animal Services and spoke with Sherry Marts, who confirmed his dogs were in the shelter.

When Mr. Barcelo, accompanied by his cousin Alex Barcelo, went to the shelter that same day, about 1:30 PM, Animal Services staff could not locate the dogs. Mr. Barcelo happened to see someone he knew, Sergeant Pedro Vazquez, who was assigned to Animal Services. Sgt. Vazquez was also unable to locate the dogs. The sergeant then spoke to the vet who informed him that the dogs had been euthanized that morning. Mr. Barcelo said Sgt. Vazquez told him the vet said if she had known the dogs had an owner, she would not have put them to sleep.

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\* Animal Services was a unit of the Miami-Dade Police Department at the time of the incident, February 18-19, 2004. It became an independent department on October 1, 2005.

When Mr. Barcelo returned home he found a warning posted on his door (dated 2/19/04 at 2:30 PM) for two other dogs “running at large.” Also, four puppies were missing from his garage. Mr. Barcelo returned to Animal Services with his cousin on 2/20/04 and met again with Sgt. Vazquez. Sgt. Vazquez located the puppies in a restricted area not open to the public. The puppies were tagged “Fair,” for an animal adoption fair scheduled for the following day.

Mr. Barcelo filed a complaint with the Miami-Dade Police Department (MDPD). At the time of the incident, the Animal Services Unit was a division of MDPD. Commander Frank Vecin was head of MDPD’s Intergovernmental Bureau, which oversaw Animal Services. Mr. Barcelo believes that what happened with his dogs was the result of instructions given by Commander Vecin.

Ray Barcelo and Commander Vecin are neighbors who have had differences over the last few years. Mr. Barcelo stated that his problems with Frank Vecin started several years ago when he reported Mr. Vecin’s son for having pit bull fights. Since then there have been other problems, including Mr. Vecin’s bull and goat getting on Mr. Barcelo’s property several times. Mr. Barcelo filed police complaints regarding Mr. Vecin’s failure to secure his goat and bull.

#### **Department Response: MDPD Case IA 2004-0048**

**IA Investigator** – Sergeant John Ryan

**MDPD Disposition Panel** – Chief Randy Heller, Chief Leonard Burgess, Assistant Director Robert Holden

MDPD investigated Mr. Barcelo’s allegation that Senior Bureau Commander Frank Vecin used his position to direct personnel within the Animal Services Unit to pick up his dogs and have them euthanized. In addition, Mr. Barcelo alleges his four puppies were picked up to be placed for adoption at the direction of Commander Vecin.

*The following is excerpted from the MDPD Disposition Panel memo dated May 3, 2005.*

**Allegation: “Not Sustained”**

Animal Control Officer Robert Nekoranec stated that while on his day off, he observed two dogs harassing some young girls in the area of Southwest 187 Avenue and 208 Street. Upon returning to work, and patrolling the aforementioned location, Officer Nekoranec observed three dogs running free. He was able to capture two of the dogs and subsequently issued a citation to the Complainant. The dogs were transported to the ASU.

The following day, Officer Nekoranec returned to the same area to look for the dog that he was unable to catch. During that time, he discovered four small puppies on the County right-of-way. The puppies were transported to the ASU. Officer Nekoranec stated that neither Commander Vecin nor any member of the MDPD ordered him to pick up the dogs or puppies. The animals were discovered because of his own initiative.

ASU veterinarian Dr. Juana Brouwer stated that the Complainant's dogs were euthanized because they had a serious skin condition. The condition is extremely contagious to both animals and humans. Dr. Brouwer advised that neither Commander Vecin nor any other MDPD employee directed her to euthanize the Complainant's dogs.

Commander Vecin stated that the Complainant lives immediately behind his own residence. He acknowledges having several disputes with the Complainant. Commander Vecin stated that he never ordered, instructed or directed any MDPD employee to retrieve the Complainant's dogs and have them euthanized. Furthermore, he never advised any MDPD employee to pick up the Complainant's four puppies and have them placed for adoption.

There are no independent witnesses that can substantiate the Complainant's allegation. There is insufficient information in the case file to sustain the allegation.

### ***Summary of Other Statements***

#### **Statement of Animal Control Supervisor Kristine Miller (ASU)**

Supervisor Kristine Miller advised that she was working on February 19, 2004, and spoke with Mr. Barcelo regarding his dogs. Supervisor Miller recalled that Officer Nekoranec picked up two dogs running loose in the street and delivered them to the ASU. The two dogs were determined to be extremely ill and the veterinarian ordered them to be euthanized.

#### **Statement of Sergeant Charlie Daye (ASU)**

Sgt. Daye explained that after the animal control officer picks up a dog or any other animal, the veterinarian screens the dog for any health concerns. Sgt. Daye went on to explain that in some cases the veterinarian determines that a dog is too ill and should be euthanized. Sgt. Daye stated that it was his understanding that was what happened in Mr. Barcelo's case. Sgt. Daye advised that it is not unusual for a dog to be picked up and then euthanized the following day if a veterinarian determines that is the most appropriate course of action.

Regarding Mr. Barcelo's puppies, Sgt. Daye advised that the puppies being placed in a specific room did not necessarily mean they were placed there for adoption purposes. Sgt. Daye advised that there were a variety of reasons primarily related to lack of storage space for placing dogs in different rooms.

#### **Sgt. Pedro Vazquez**

Sgt. Vazquez could provide no information of investigative value other than recalling that Mr. Barcelo was upset.

### ***Employee Profile for Commander Frank Vecin***

Commander Vecin received 17 commendations and 5 complaints between 1990 and 2005. Of the 12 allegations contained in those 5 complaints, 10 were not sustained or exonerated. There were two sustained allegations for improper procedures, one in 1992 and the other in 1994.

### **Committee Remarks:**

Lt. Ariel Arttime and Sgt. Jennifer Lombardi represented the MDPD Professional Compliance Bureau (PCB) at the meeting. Sgt. John Ryan, the complaint investigator, is no longer with PCB.

Mr. Barcelo stated that the MDPD report is not an accurate description of what happened. He gave the following examples:

1. The enforcement officer did not take the puppies from the street as he said; he took the puppies from Mr. Barcelo's property. Mr. Barcelo said the officer saw a dog he has chained in his backyard, and this dog can only be seen if you enter the property.
2. Sgt. Pete Vazquez brought him to a restricted area at the shelter where he found the puppies tagged for an adoption fair in Homestead that weekend. Mr. Barcelo produced the tags for each of the four puppies with the word "fair" written on each tag. The comment in the MDPD report that the dogs were in that area due to a lack of space is not true.
3. The dogs were not ill and were not "missing over 70% of their hair" as stated by Officer Nekoranec.

Mr. Barcelo said the two dogs that were taken by the Animal Services Unit (ASU) were vaccinated but they did not have tags. Mr. Barcelo stated that he could understand citations for failure to have tags, but ASU chose instead to pick up the dogs and "kill" them. Mr. Barcelo produced a picture of a female dog, one of the dogs euthanized, and her puppies, taken about January 2004. Mr. Barcelo stated the picture proves the dog was healthy.

Mr. Barcelo went to the shelter with his cousin, Alexander Barcelo. Sgt. Pete Vazquez spent a couple hours with him, trying to locate his dogs at the shelter. When Sgt. Vazquez spoke to the vet, she said she would not have put the dogs to sleep if she knew the dogs had an owner. Mr. Barcelo said ASU knew the dogs had an owner because the citations were written in his name.

Mr. Dilzer, Mr. Barcelo's next door neighbor, stated he did not witness the pick-up of the dogs, but he could testify as to the condition of the dogs because he saw them every day. Otto, the little white dog with long hair was not sick and was not missing any hair. Blackie looked a little ragged because she was nursing puppies, but her hair wasn't missing. Mr. Dilzer said Jessie Torres, his wife, talked to the officer when he picked up the puppies, but he does not know if she saw the officer actually take the puppies. Mr. Dilzer stated Mr. Barcelo kept the puppies in the garage and he never saw them out on the street.

The committee looked at Section 5-11 of the county code which provides for a period of confinement of five (5) days before a dog can be disposed of, unless three conditions are met:

1. The animal does not bear a Miami-Dade County license tag or other evidence of its owner's identity.

2. The animal is certified in writing by a Florida licensed veterinarian to be suffering dangerous and transmissible disease, or the animal is suffering and beyond reasonable hope of recovery.
3. The destruction of the animal is recommended in writing by the Chief of the Animal Services Division or the shelter manager.

The committee expressed concerns about the MDPD Internal Affairs investigation:

1. Although written documents are required by code, the Internal Affairs file contains no documentation regarding the diagnosis of the dogs or the euthanasia.
2. Witnesses identified by Mr. Barcelo were not interviewed, such as Mr. Barcelo's cousin who was at the shelter with him and Sherry Martz, the ASU employee who told him his dogs were at the shelter and how much it would cost to retrieve them.
3. There's no statement from Sgt. Pete Vazquez, only a notation that he "could provide no information of investigative value other than recalling that Mr. Barcelo was upset that his dogs were euthanized." Sgt. Vazquez spent a couple hours with Mr. Barcelo at the shelter on 2/19/05. He was the one who got the information from the veterinarian that the dogs had been destroyed. Sgt. Vazquez was also the person who led Mr. Barcelo to the restricted area where the puppies were being held on 2/20/05.

Lt. Artime explained that it appears that the IA investigator John Ryan focused on the specific allegation relating to Commander Vecin's involvement. Sgt. Lombardi stated that there is an IA investigation regarding euthanasia at the ASU, conducted by Sgt. Bernie Sork. (That investigation, MDPD Complaint GI 2003-0269, has been transferred to Sergeant William Crider and is currently an open investigation.) Mr. Barcelo said Sgt. Sork also had "an open case against Mr. Vecin."

The committee asked MDPD to investigate the allegations that the Animal Services Unit did not comply with the County Code and procedures:

- a. When it picked up Mr. Barcelo's dogs and destroyed them within 24 hours, and
- b. When it picked up the puppies and tagged them for an adoption fair within 24 hours.

**Staff Notes:** On August 15, 2005, MDPD Director Robert Parker responded to the request as follows:

*"Miami-Dade Animal Services, formerly Animal Services Unit, is no longer an entity of MDPD. All complaints regarding the Miami-Dade Animal Services should be directed to Ms. Sara Pizano, Director of the Miami-Dade Animal Services."*

Sara Pizano, DVM, began as Animal Services Director on June 28, 2005, however Animal Services did not officially become an independent department until October 1, 2005. Animal Services was under the jurisdiction of MDPD at the time of Mr. Barcelo's dogs were picked up (February 18, 2004).



The IRP sent a letter, with Director Parker's letter attached, to Dr. Pizano on August 31, 2005, informing her that MDPD claimed no jurisdiction over the complaint and requesting that she initiate an investigation into the allegations.

On September 9, 2005, IRP Staff made a public records request, via email, to Dr. Pizano requesting the release of all documents pertaining to the February 18, 2004 pickup and February 19, 2004 destruction of Mr. Ray Barcelo's dogs and the decision to place his puppies up for adoption. On October 13, 2005, the IRP received a fax from Andrea Corredor, Senior Executive Secretary to Dr. Pizano, with information pertaining to Mr. Barcelo's puppies. No documents were provided for the two dogs that were destroyed.

On February 7, 2006 IRP staff spoke telephonically with Alexander Barcelo, who confirmed he was with Ray Barcelo at Animal Services. Staff faxed a questionnaire to Alexander. Alexander responded to every question with bold writing: "I do not remember."

**Animal Services Department (ASD) Response:** In a letter dated November 21, 2005, Dr. Pizano advised that:

*"...during the period in question, the [Animal Services] department was operating and under the command of the Miami-Dade Police Department.  
Two dogs euthanized on February 19, 2004, picked up at the same address as the puppies he reclaimed, 18501 SW 208<sup>th</sup> St., had no identification on them. In researching the computer records, there are no comments written by an Animal Services employee stating that Mr. Barcelo was the owner in those two records."*

Dr. Pizano cited the section of the county code that addresses the euthanasia of dogs, but did not address the allegation that Animal Services failed to comply with the code.

### **IRP Staff Meeting with Dr. Pizano**

IRP Staff Dr. Eduardo Diaz and Carol Boersma met with Dr. Pizano on December 5, 2005 and discussed concerns regarding the Animal Services' response: the allegations had not been addressed; the response states the owner was not identified when, in fact, Mr. Barcelo was cited as the owner of the dogs; Mr. Barcelo spoke to an ASD employee who told him his dogs were in the shelter; no medical documentation was provided regarding the euthanasia of the dogs.

Dr. Pizano provided computer printouts relating to Mr. Barcelo's two dogs, both of which were identified on the record as strays:

Medium dog cream male terrier

**Intake:** Date: 2/18/04 20:09

Due out: 2/18/04

Condition: Sick

**Outcome:** Type: Euthanasia

Date: 2/19/04

Time: 12:31

Large dog brown female Labrador retriever

**Intake:** Date: 2/18/04 20:13

Due out: 2/24/04

Condition: Normal

**Outcome:** Type: Euthanasia

Date: 2/19/04

Time: 12:33

Dr. Pizano stated she would provide another reply. Dr Pizano sent her final reply on January 13, 2006, which read in part:

*"...Animal Services responded in writing to your earlier request, and has already provided the Independent Review Panel with all relevant documentation.....I do not have any additional information that would assist the Panel in its fact-finding mission.*

*...These events occurred under the previous administration, the Miami-Dade Police Department. I am not familiar with the policies under which the Department operated before my tenure, and I am not comfortable passing judgment on staff's actions in this case."*

**Committee Findings:**

1. MDPD refused to investigate the allegation that Animal Services failed to comply with the County Code while the Animal Services Unit was operating under the command MDPD.
2. The Animal Services Unit, while under the jurisdiction of the Miami-Dade Police Department, failed to comply with Section 5-11 of the Miami-Dade County Code when it euthanized Raymond Barcelo's two dogs on February 19, 2006.

The code requires a period of confinement of five (5) days before a dog can be disposed of, unless three conditions are met:

- a. The animal does not bear a Miami-Dade County license tag or other evidence of its owner's identity.

**Finding:** *Evidence of ownership was documented by Animal Control Officer Robert Nekoranec in the two citations he wrote to Mr. Barcelo for the two dogs.*

- b. The animal is certified in writing by a Florida licensed veterinarian to be suffering dangerous and transmissible disease, or the animal is suffering and beyond reasonable hope of recovery.

**Finding:** *The committee found no evidence that Mr. Barcelo's two dogs were ever seen by a veterinarian. The dogs were euthanized by Santiago Jimenez, a "vet tech." There are no documents on record written by a Florida licensed veterinarian relating to the euthanasia of Mr. Barcelo's two dogs. Animal Services computer records for Mr. Barcelo's "large brown female Labrador Retriever" document that the condition of this dog was "normal."*

- c. The destruction of the animal is recommended in writing by the Chief of the Animal Services Division or the shelter manager.

**Finding:** *There are no documents on record written by the Chief of the Animal Services Division or the shelter manager relating to the euthanasia of Mr. Barcelo's two dogs.*

3. Robert Nekoraneć was not truthful in official records:
  - a. Mr. Nekoraneć failed to identify Raymond Barcelo as the owner of the two dogs in the Animal Services database even though he knew Mr. Barcelo was the owner because he wrote Mr. Barcelo citations for the two dogs.
  - b. Mr. Nekoraneć identified the condition of Mr. Barcelo's brown female Labrador Retriever as "normal" in the database. In his statement to MDPD Internal Affairs Investigator John Ryan, Mr. Nekoraneć stated:

*[I]ividly remember these dogs because they had very severe skin conditions...the dogs were missing over 70% of their hair.*

4. The committee did not find evidence to sustain, or refute, the allegation that Commander Frank Vecin used his position to direct personnel within the Animal Services Unit to pick up Raymond Barcelo's dogs and have them euthanized.

### **Observations to Promote Constructive Police/Citizen Interactions**

MDPD's refusal to investigate allegations of wrongdoing by Animal Services employees, while the Animal Services Unit was under MDPD jurisdiction, negatively impacts public trust and confidence in the police department.

Animals Services identifies a roaming dog without a tag as a "stray," even though the dog may be a loved and well-cared for pet. The dog wearing a tag can be identified and returned to its owner. County Code requires all dogs to wear visible current tags. It is in the best interest of the dog and the owner for the dog to wear a tag.

### **Recommendations:**

1. That MDPD reconsider its refusal to investigate the allegation that Animal Services failed to comply with the County Code while under the jurisdiction of MDPD, so that those employees involved can be held accountable.
2. That Animal Services implement a policy of checks and balances to ensure compliance with the County Code and to ensure that every effort is made to contact owners before their impounded pets are destroyed.
3. That Animal Services hold Enforcement Officer Robert Nekoraneć accountable for his failure to be truthful.